



## **CALL TO ORDER**

Chairman Mark N. Fox called the meeting to order at 11:47AM.

## **OPENING PRAYER**

Prayer by Carol Enno.

*FTR: Councilwoman Monica Mayer to serve as acting Vice Chairman.*

## **ROLL CALL**

*Present:* Councilwoman Monica Mayer, Councilman Cory Spotted Bear, Councilman Mervin Packineau, Chairman Mark N. Fox, Councilwoman V. Judy Brugh, Councilman Randy Phelan(Absent), Councilman Fred Fox. *Quorum established.*

*Others:* Caleb Dogeagle, John Frederick's, Roger White Owl.

## **I. APPROVAL OF AGENDA**

*Motion:* Councilwoman V. Judy Brugh moved to approve the agenda. Councilwoman Monica Mayer seconded the motion.

Vote: 6- Ayes. 1 – Not Present. Motion carried.

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Not Present  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilwoman V. Judy Brugh – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

## **II. APPROVAL OF MINUTES**

- **March 7<sup>th</sup>, 2019 Tribal Business Council Regular Meeting Minutes**

*Motion:* Councilman Fred Fox moved to approve the March 7<sup>th</sup>, 2019 Tribal Business Council subject to minor corrections. Councilwoman V. Judy Brugh seconded the motion.

Vote: 6- Ayes. 1 – Not Present. Motion carried.

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Not Present  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilwoman V. Judy Brugh – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye



### III. SPECIAL GUESTS & ELDERS

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#### A. **Vina Wells McDonald**

Due to weather conditions & flooding they have lost many belongings in their basement. Requesting \$15,000 for basement repair and temporary housing during repair. She would put up her royalties as collateral for the loan. Chairman Mark N. Fox noted the Home Repair for Elder's grant policy that live off the reservation helps with 75% of the cost but not to exceed \$10,000. Chairman Mark N. Fox recommended the grant and a \$5000 loan.

**Motion:** Councilman Cory Spotted Bear moved to approve \$5000 loan and waive the collateral requirement and or use royalties for other income. Councilman Fred Fox seconded the motion.

Vote: 6- Ayes. 1 – Not Present. Motion carried.

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Not Present  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilwoman V. Judy Brugh – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Discussion:** Councilwoman Monica Mayer also recommended \$500 from each of their segments.

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#### • **Francis McDonald**

Has lived in San Antonio, Texas for the last 10 years, and is working as an RN to support her family. She has recently decided to move home to Fort Berthold to take care of her elderly parents Vina (Wells) & Tony McDonald. Her parents have both experienced heart and mobility issues and her father is a double amputee. They have no one living with them to assist in their care and their physical needs require someone to help them daily. The sale of her house in San Antonio is pending and they don't expect to close until May 2019. She is requesting a loan or assistance for relocation to move back home from Texas. She will not have funds to move until the sale is complete but needs to be home in North Dakota as soon as possible. Francis McDonald is willing to pay back a loan as soon as the closing on the house sale is completed with a payment to Three Affiliated Tribes. She currently does not owe anything to Three Affiliated Tribes. Requesting a \$5000 loan (with loan repayment from home sale proceeds) to allow her to move home to Fort Berthold. The Tribal Business Council agreed to provide an additional grant of \$3,500 (\$500 from each segment and the Chairman's Office).

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#### B. **Darlene Finley – Kevin Finely**

Requesting Tribal retirement & benefits for his mother for her 28 years and 5 months of employment. She was employed by the Bureau of Indian Affairs until the tribe 638 contracted the Social Service program on January 10, 1984. Darlene Finley retired from the tribe on June 23<sup>rd</sup>, 2012. When she left employment with the Tribe she had 3,380.5 hours of sick leave on the books that she requested be distributed among some of her family members and co-workers. Her request was denied by the Human Resource Department. (Note: This was a verbal denial so she has no





record of it). Today she is requesting compensation for her 240 sick & annual leave after receiving for “Years of Service”. There is also an issue with the separation pay out.

**Motion:** Councilman Fred Fox moved to approve and follow through with Separation & Retirement pay. Councilwoman Monica Mayer seconded the motion.

Vote: 6- Ayes. 1 – Not Present. Motion carried.

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Not Present  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilwoman V. Judy Brugh – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Discussion:** CEO will follow up on the leave issue to make it available and make recommendations.

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**C. BIA Superintendent – Kayla Danks, Superintendent & Tom Wells, BIA Reality**

Advertisement for the sale of farming & grazing leases on allotted Indian lands submitted and seeking determination concerning tribal majority lands. BIA recommends them for bid to receive the highest bid for 5 years. There are 34 farm pasture tracts that are either tribal or majority tribal interest. Kayla Danks noted that the BIA can bid out or the Tribe can negotiate the leases. Councilman Mervin Packineau wants to negotiate some of the farm pastures to insure tribal members get access. John Fredericks noted that some are over 80% tribally owned. Chairman Mark N. Fox expressed that the tribes’ development interests need to be considered for upcoming tribal projects and asked that the BIA pull out the 100% tribal interest tracts.

**Motion:** Councilman Fred Fox moved to approve the leases with the majority interest and to pull back the 100% tribal interest tracts. Councilman Mervin Packineau seconded the motion.

Vote: 6- Ayes. 1 – Not Present. Motion carried.

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Not Present  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilwoman V. Judy Brugh – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Discussion:** John Fredericks noted that for 80% +interest tracts the Tribe would need to notify the BIA. Councilman Fred Fox recommended a two year lease policy. Tom Wells noted that 98% are currently under lease. John Fredericks informed those in attendance that the Tribal Business Council can reject any and all bids. Sealed bids will be received at the Superintendent's Office, Fort Berthold Agency, until 4:00 PM, April 29, 2019, and publicly opened at 1:00 PM, April 30, 2019, at the Four Bears Casino and Lodge, Santee Room, New Town, North Dakota. There is an April 30<sup>th</sup> deadline



for the advertisement of bids. Chairman Mark N. Fox asked that there be a time period between the bid acceptance and the signing of the contracts. John Fredericks will work Kayla Danks to let the tribe identify tracks that the tribe might want to use for projects, specifically the greenhouse projects. John Fredericks noted that they would need a resolution for final approval.

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#### **D. Darlene Perkins**

Provided an update an event for the Missing and Murdered Indigenous Woman (MMIW) & the Olivia Lone Bear family awareness to be called “Life is Sacred” and to occur on May 5<sup>th</sup>. Seeking a sponsorship to establish a fund for expenses. The fund would be for future local events. Darlene has as raised up to \$8000. State Rep. Ruth Bufallo’s office provided statistics on MMIW that were given to the TBC.

**Motion:** Councilwoman Monica Mayer moved to approve \$9,000 for the MMIW Awareness independent fund for and to return for reporting. Councilwoman V. Judy Brugh seconded the motion.

Vote: 6- Ayes. 1 – Not Present. Motion carried.

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Not Present  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilwoman V. Judy Brugh – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Discussion:** Councilwoman Monica Mayer noted that at previous event, outsiders came in and really took advantage of us and we poured the money out. Councilwoman Monica Mayer feels that under Homeland Security there should be P&P and a budget to address and for us to be more prepared in case someone else goes missing. Councilman Mervin Packineau provided an update on the Emergency Diver Service & building to house rescue services. A custom rescue vehicle has been paid for by Councilman Mervin Packineau, & the Search & Rescue.

**FTR:** Councilwoman Monica Mayer was provided a birthday honor song & presentation of gifts.

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#### **E. Dean Birdsbill**

Brought forth his concerns over the garnishment of his daughters disbursements . Also expressed that his niece currently lives in a beat up trailer in Fargo has applied for housing in New Town and Mandaree, but they keep losing the applications. Mr. Birdsbill expressed his views on sending flared gas to the refinery project and get the members free propane. Chairman Mark N. Fox noted the CEO will assist him on working on the daughter’s housing or segment housing.

### **EXECUTIVE COMMITTEE REPORTS**

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#### **IV. CHAIRMAN’S REPORT - Chairman Mark N. Fox**





Recent activities included a successful “Water Warrior Plunge” fundraising for the American Indian Cancer Association that raised \$90,000, Upcoming Pow-Wow for Hope presentation of funds. Commended all the outstanding high school basketball players and the job that the Casino & White Shield School did in hosting the regional & district tournaments. Provided a summary of the recent trip to Holland to explore and tour greenhouse technology facilities and agricultural production efforts. The MHA Council was the first tribal delegation to ever make an official visit to the Hague and receive a commitment to work with the tribe. The goal is to utilize flared gas to run the green houses throughout the year. Native Business Magazine has included MHA in an a cover story featuring the Chairman and the tribes endeavors. Councilman Cory Spotted Bear joined the delegation and another delegation to visit them. Other recent events included: the Elbowoods Basketball Classic, National Native American Horseshoe Tournament event, COLT meeting during the RES conference where Chairman Mark N. Fox was elected as the Chairman, NIGA Conference, A major boxing event at the Casino, UND Law School speaking engagement, ND Law Review Presentation. Upcoming events include: Federal Partners, Global Gaming Conference, May 1<sup>st</sup> lobbying efforts in DC, Transportation COLT meeting to be hosted by MHA, child care facility tour in Phoenix. Yesterday’s signing of the ND/MHA Tax joint Tax Agreement. With support of industry partners and years of work and lobbying for the new tax agreement to change the trust land oil production tax revenue split to 80/20% majority to the Tribe. If the price goes as projected the tribe is set to receive half a billion dollars over the next ten years. Also had alcohol taxation agreement discussions with the State. Chairman Mark N. Fox commended his Tribal Business Council & the Governor on their work and the commitment to get it done. With the additional revenue comes the commitment to responsible development. \$2 billion in royalties over the last 11 years, 2/3 went to individual members mainly elders. When all the oil & gas is gone, we want to insure that infrastructure is in place and economic projects are in place to raise the standard of living for all the people and leave no one behind. Discussed tree planting projects.

**V. VICE CHAIRMAN’S REPORT-** *Councilman Randy Phelan*

Lummi tribal members are bringing 200 lbs. of fish and requesting other Tribal Business Council to attend a meeting with them about third party billing on May 8<sup>th</sup>. Councilwoman Monica Mayer recommended GRTC, KDU, and other departments in health care that are not doing it yet. The CEO can facilitate the meeting.

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**VI. SECRETARY’S REPORT –** *Councilman Fred W. Fox*

Records Office report presented that included an overview of information provided on the web page. Committee & White Shield Segment updates followed. Energy Committee meeting in Denver in connection Rig Friendly meeting in Denver at 11am on April 17<sup>th</sup>. Condolences to all the families that lost loved ones. Councilman Fred Fox congratulated the Chairman on the signing of the Tax agreement. Recent activities included: Community Update, Easter Dinner on April 20<sup>th</sup>, Elder trip to Mystic Lake on April 28<sup>th</sup>. Upcoming activities include: 3-5 acre community garden(200 acres in oats and alfalfa), start of the horse track construction, Environmental Assessment for Elders & Segment buildings, punch list completed for the new School to secure O&M funding, master plan for athletic field and teacher housing, HeadStart Pow-wow event for the graduates, Elders fund raised to help in Pine Ridge.

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**VII. TREASURER’S REPORT -** *Councilman Mervin Packineau*



North East Segment Report: Community Board meeting on Weds, Easter Egg Hunt, 30 Headstart students came to the Healing Horse Ranch for horse rides, Northern Badlands (INFR) region development and having a good season with 1<sup>st</sup> rodeo of the season at the Healing Horse. Commended the TBC and the State for all the years of effort it took to get the new Tax Agreement passed.

**FTR:** Councilman Randy Phelan joined the meeting and assumed the Vice Chairman.

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**A. Chief Financial Officer Report\* – Whitney Bell, CFO**

Provided the Monthly General Fund Expense Report. At 53% completion into the fiscal year. 43% spent into the fiscal year with majority from the Special Projects. Currently transitioning into the new financial management system with the exception of Payroll which will be coming online April 26<sup>th</sup>. New system comes with new staff and physical cubical space, roll out of the authentication for Directors and staff, real-time check & financials verification. Third phase would allow direct submission of PO's online by October 1<sup>st</sup> for the cloud based accounting system.

**Motion:** Councilman Randy Phelan moved to approve resolution no. 19-059-FWF entitled “Authorization for a one-time Disbursement of Funds from Tribal Oil & Gas Royalty Revenues to All Enrolled Members of the Three Affiliated Tribes” Councilman Fred Fox seconded the motion.

Vote: 7- Ayes. Motion carried.

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilwoman V. Judy Brugh – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Motion:** Councilman Randy Phelan moved to approve resolution no. 19-060-FWF entitled “Directive to the Office of Trust Fund Management to Make Available Funds for Withdrawal from Three Affiliated Tribes Proceeds of Labor Account PL7228700 in the Amount of \$19,500,000.00” Councilman Fred Fox seconded the motion.

Vote: 7- Ayes. Motion carried.

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilwoman V. Judy Brugh – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Motion:** Councilman Randy Phelan moved to authorize Chairman Mark N. Fox & Treasurer Mervin Packineau to select an auditor from the 2018 TAT Audit RFP respondents. Councilman Fred Fox seconded the motion.





Vote: 7- Ayes. Motion carried.

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilwoman V. Judy Brugh – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

*Discussion:* Current audit to be uploaded on Monday.

*FTR:* Chairman Mark N. Fox stepped out of the meeting & Councilman Randy Phelan assumed the Chair of the meeting.

**B. Four Bears Casino Report\*** – Scott Wilson, General Manager  
Item deferred.

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**C. Small Loans\*** – Val Mayer & Mary Ellen Sun

Presented a recommendation to increase the low cap for casino employees that have been working for 5 years or more and are permanent. The 4Bears Casino currently utilizes the Tribes policy.

*Motion:* Councilman Fred Fox moved to increase to loan cap for casino employees. Councilman Mervin Packineau seconded the motion.

Vote: 6- Ayes. 1 – Not Voting. Motion carried.

Chairman Mark N. Fox – Not Voting  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilwoman V. Judy Brugh – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

*FTR:* Chairman Mark N. Fox rejoined the meeting.

*Motion:* Councilman Fred Fox moved to approve Small Loans Group A: (1-29) subject to Loan policies & requirements. Councilwoman V. Judy Brugh seconded the motion.

Vote: 6- Ayes. 1 – Abstention. Motion carried.

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Abstained  
Councilwoman V. Judy Brugh – Aye



Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

*Discussion:* A-1 to increase the cap.

**Motion:** Councilman Fred Fox moved to approve Small Loans Group B: Education Loans subject to Loan policies & requirements. Councilman Cory Spotted Bear seconded the motion.

Vote: 7- Ayes. Motion carried.

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilwoman V. Judy Brugh – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Motion:** Councilwoman V. Judy Brugh moved to approve Small Loans Group C: subject to Loan policies & requirements. Councilman Fred Fox seconded the motion.

Vote: 7- Ayes. Motion carried.

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilwoman V. Judy Brugh – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

*Discussion:* Mary Ellen Sun would like the discretion to further investigate.

**FTR:** Chairman Mark N. Fox resumed Chair of the meeting.

## VIII. SEGMENT UPDATES

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### A. **North Segment** – Councilwoman Monica Mayer

Healthy North Dakota Cardiac Living Collaboration to train 50 people in CPR & AED, Upcoming: Easter Dinner, old smoke shop on main street was torn down, received negative asbestos report on the old Dr. Wilson clinic so that building is next to be torn down for park space. Summary of the “Families are First” program, development of a day work program with sign up at Northern Lights, Community clean-up efforts, North Segment maintenance building is now open, assisted living contract signed for home services for elders with the New Town Nursing Home, 211 elders in North Segment, car wash-Jiffy Lube and laundromat A&E bids, hired Lovetta Fox to develop a Women’s Veterans League, All children to receive a basketball and new basketball court outside with Northern Lights and playground area. Congratulated the high school basketball teams in their efforts.





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**B. Twin Buttes – Councilman Cory Spotted Bear**

Condolences expressed to the families in morning, Elders Building is up and running and serving meals with a Grand Opening coming soon, Community Building construction is on track with Aug. 8<sup>th</sup> expected opening, tour of the water treatment plant shows progress with June 30<sup>th</sup> opening and increased capacity to 350-600 gal./min., Athletic fields construction progressing, first community buffalo calf born yesterday, big pasture is fenced (11 miles), 100 head from Crow reservation, indoor pool on track, ambulance service with garage, motel project to be managed by the C-Store with the Gas Station funding itself, rodeo grounds and relay track project planned for the summer, cold storage units and 3 new award winning round homes to start construction, community beatification projects continue, conducting 401K maximization research, community small scale energy project similar the White Shield project, Holland trip report to tour the green houses and their Ag & bee projects.

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**C. Four Bears – Councilwoman V. Judy Brugh**

Expressed condolences & heart felt sympathies to the families that recently lost loved ones, commended the Chairman, Legal & the Tax Commissioner on the signing of the historic State/Tribal Tax Agreement. Donations to Pine Ridge & Rosebud, Easter Dinner April 16<sup>th</sup>, Tutoring program continuing, Fitness & Recreation bowling April 19<sup>th</sup>, bible study, elders Easter bingo, youth basketball tourney, Women's Conference, Movie Night, elders going to Kingdom Business Conference, new exercise equipment, day care available for 3+, community tree planting, 4Bears C-Store Phase I construction in the spring, Route BIA 2 construction starting this spring.

**IX. OFFICER REPORTS**

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**A. Chief Executive Officer Report\* – Roger White Owl, Acting CEO**

The CEO informed the TBC as the MHA Athletic Commissioner that they will be receiving training for MMA fights and informed the TBC about upcoming public events at the Casino. Chairman Mark N. Fox commended CEO Roger White Owl for his hard work and willingness to answer the call.

**1) Federal Programs Report\***

*Item deferred.*

**2) Executive Orders\***

**Motion:** Councilman Randy Phelan moved to ratify EA-19-77;

NOW THEREFORE BE IT RESOLVED, The Three Affiliated Tribes authorizes and approves financial assistance of \$1 ,450 each to the following family members to attend the Coming of Age Ceremony for Asia and Mia Bradley April 11-14, 2019 in Mescalero, NM,

1. Wayne Bradley
2. Sara Young Bird
3. Russell Young Bird
4. Hans Young Bird Bradley
5. Saunders Young Bird



Councilman Mervin Packineau seconded the motion.

Vote: 7- Ayes. Motion carried.

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilwoman V. Judy Brugh – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Motion:** Councilman Randy Phelan moved to ratify EA-19-78;

NOW THEREFORE BE IT RESOLVED, That the MHA Nation fully supports the Nomination of Lydia Sage Chase to the North Dakota Native American Hall of Honor.

Councilman Cory Spotted Bear seconded the motion.

Vote: 7- Ayes. Motion carried.

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilwoman V. Judy Brugh – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Motion:** Councilman Randy Phelan moved to ratify EA-19-79;

NOW THEREFORE BE IT RESOLVED, The Three Affiliated Tribes authorizes and approves the Contract Agreement between Four Bears Segment Representative V. Judy Brugh and James Brugh. Compensation to be drawn from the Four Bears Segment.

Councilman Fred Fox seconded the motion.

Vote: 7- Ayes. Motion carried.

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilwoman V. Judy Brugh – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Motion:** Councilman Randy Phelan moved to ratify EA-19-80;





NOW THEREFORE BE IT RESOLVED, That the MHA Nation fully supports the Nomination of Edwin Benson to the North Dakota Native American Hall of Honor.

Councilman Cory Spotted Bear seconded the motion.

Vote: 7- Ayes. Motion carried.

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilwoman V. Judy Brugh – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Motion:** Councilman Randy Phelan moved to ratify EA-19-81;

NOW THEREFORE BE IT RESOLVED, The Three Affiliated Tribes authorizes and approves a one (1) month contract extension for Yvette Fielder effective March 1, 2019 and will expire on March 31, 2019.

Councilwoman V. Judy Brugh seconded the motion.

Vote: 7- Ayes. Motion carried.

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilwoman V. Judy Brugh – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Motion:** Councilman Randy Phelan moved to ratify EA-19-82;

NOW THEREFORE BE IT RESOLVED, The Three Affiliated Tribes authorizes and approves to pay \$7,500.00 to the National Indian Gaming Association for 2019 tribal membership dues.

Councilman Mervin Packineau seconded the motion.

Vote: 7- Ayes. Motion carried.

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilwoman V. Judy Brugh – Aye  
Councilman Cory Spotted Bear – Aye



Councilwoman Monica Mayer – Aye

**Motion:** Councilwoman V. Judy Brugh moved to ratify EA-19-83;

NOW THEREFORE BE IT RESOLVED, The Three Affiliated Tribes authorizes and approves a small loan request for XXXXX in the amount of \$20,000.00 based upon the policies and procedures of the small loan department.

Councilman Mervin Packineau seconded the motion.

Vote: 7- Ayes. Motion carried.  
Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilwoman V. Judy Brugh – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

Various meeting with congressional leaders went very well and we have a seat at the table. Chairman Mark N. Fox commended the CEO for stepping up in all he does

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**3) Tax Department Report\*** – *Cynthia Monteau, Tax Commission Director*

- Total Production Tax (Oct. 2018-Mar.2019) : 50,682,871 .91
- Total Extraction Tax(Oct. 2018-Mar.2019): 48,877,634.62
- Motor Fuels Tax(Oct. 2018-Mar.2019): 720,507.65
- Drilling Fees(Oct. 2018-Mar.2019): 7,500,000
- Hotel Use Tax(Oct. 2018-Mar.2019): 9,805.85
- Alcohol Retail Tax(Oct. 2018-Mar.2019): 90,988.00
- Total FY'18: 93,383,238.21

**Motion:** Councilwoman V. Judy Brugh moved to approve temp. Business Licenses to June 30<sup>th</sup>. pending back ground review.

- AFLAC
- JC Java Coffee House
- Eagle Rock Timber Inc.
- Sunrae PLLC
- Reect Security Service LLC
- Flint Knife Energy LLC
- All RND Red Detailing LLC
- Sovereign Advance
- My Little Mexico
- Screaming Eagle Energy
- Advance Cash





- Cover Cash
- D's Hydro Testing & Oilfield
- Firekeeper Financial
- Maxlend
- MHA Systems

Councilman Randy Phelan seconded the motion.

Vote: 7- Ayes. Motion carried.

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilwoman V. Judy Brugh – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

*Discussion:* Dual licensing from TERO and the Tax will need to coordinate as regulations are improved. Chairman Mark N. Fox discussed temporary licenses for vendors. Councilwoman Monica Mayer asked the Director to look into the City of New Town forcing a business to get a city permit.

Asking for meeting with state officials on Alcohol and need a signed agreement by June 30<sup>th</sup>. If not we won't be able to collect till next Oct. Chairman Mark N. Fox asked that she get a workable draft in from of the Tribal Business Council in Executive ASAP and want the dept. to be taxing alcohol by July 1<sup>st</sup> with or without a signed agreement.

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4) **Enrollment\*** – *Sevant S. Taft, Enrollment Director*

**Motion:** Councilman Randy Phelan moved to approve resolution no. 19-061-FWF entitled “Approval of 72 Applicants for Enrollment into the Three Affiliated Tribes” Councilwoman V. Judy Brugh seconded the motion.

Vote: 7- Ayes. Motion carried.

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilwoman V. Judy Brugh – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

*Discussion:* 16,347 total members.

**X. UNFINISHED BUSINESS**



**A. Setback Discussion<sup>2</sup> –Addressed**

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**B. NBIRA Budget Clarification– Chaunde Chase & Verna Hicks**

**Motion:** Councilman Mervin Packineau moved to approve resolution no. 19-062-FWF entitled “Approval of a Sponsorship in the Amount of \$150,000.00 to the Northern Badlands Indian Rodeo Association”. Councilman Randy Phelan seconded the motion.

Vote: 7- Ayes. Motion carried.

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilwoman V. Judy Brugh – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Discussion:** Chairman Mark N. Fox noted that after this the new association should be pretty self-sufficient.

**XI. MEDICAL REQUESTS**

**COMMITTEES OF THE TRIBAL BUSINESS COUNCIL**

**XII. EDUCATION COMMITTEE – Councilman Cory Spotted Bear, Chair**

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**A. Pathways - Deb Wilson**

MOU Agreement with University of North Dakota (UND) still needs to be signed by the Chairman. Councilwoman Monica Mayer noted that UND will need this to do business with the tribe.

**Motion:** Councilman Cory Spotted Bear moved to approve Pathways MOU with UND. & draw down from the previously approve budget. Councilwoman Monica Mayer seconded the motion.

Vote: 5- Ayes. 2 – Not Voting. Motion carried.

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Not Voting  
Councilwoman V. Judy Brugh – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Not Voting

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**B. Elizabeth Yellow Bird**

Requesting assistance repaying her college student loans. She has had 6 student loans with the largest being for her PhD. Chairman Mark N. Fox discussed the possibly setting up a payment





program for elders and possibly using the Education Trust Fund by the end of the summer after the budget meeting. Councilwoman Monica Mayer supports developing a program for the elders first at the next budget meeting. Councilman Fred Fox & Councilman Randy Phelan recommended 10% from available trust fund interest. Chairman Mark N. Fox & Councilwoman Monica Mayer discussed priorities for those who completed their degree and returned to serve the tribe. The CEO will research the numbers to determine available funds in the fund. Sevant Taft to report on the number of possible recipients.

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**C. Sponsorship for Earth Lodge Construction - T.J. Plenty Chief, President Medicine Butte CDC** Submitted a request for \$62,000 for the construction of 4 earth lodges. Medicine Butte CDC is a registered nonprofit with the State of North Dakota. Their vision is to develop and implement a plan that will provide spiritual support, housing, healthy food education, clothing, domestic violence support and cultural revitalization. Provided a budget with more information. They are trying to do this project in 2 phases and would like to complete 2 lodges this spring and finish the other 2 by fall 2019. The cost will be \$26,000 per Phase. Also requesting assistance help with road improvement to the site. There are a lot of community members and elders that have attended in the past and when the roads get wet, it is hard to get up and down the butte. Councilman Cory Spotted Bear noted that in Committee, it was advised that he push for 1 earth lodge. The site is on tribal land.

**Motion:** Councilman Cory Spotted Bear moved to approve funding for the cost of 1 earth lodge for \$13,000. Councilman Fred Fox seconded the motion.

Vote: 6- Ayes. 1- Not Voting. Motion carried.

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilwoman V. Judy Brugh – Not Voting  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Discussion:** Valerian Three Irons talked about safety and the roads to the site and getting a road grader and gravel or scoria. Chairman Mark N. Fox asked for them to put together a budget possibly from in-kind. Roads Dept. should assess the road. Councilman Randy Phelan recommended bringing it to the Cultural Committee.

### **XIII. ECONOMIC DEVELOPMENT COMMITTEE - Councilwoman Monica Mayer, Chair**

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**A. Charles Hall Services (CHYS) Request – Keith Bear, Former Student**  
Presented a 2019-2022 Strategic Platform. Family First Prevention Services Act (Family First). By October 1, 2019, Charles Hall Youth Services will need to be licensed as a QRTP by our state's Division of Children and Family Services, Department of Human Services, in order to remain part of the foster care continuum of care in North Dakota and receive state funding. As a QRTP institution, Charles Hall will grow to serve not only more mentally and behaviorally



acute youth in care, but also their families and siblings while a youth is placed in our care. As a QRTP, Charles Hall must have a trauma-informed treatment model that is designed to address the needs, including clinical, of children with serious emotional or behavioral disorders or disturbances and be able to implement the necessary treatment identified in the child's assessment and reassessment by the Qualified Individual (01). In addition, with Family First, our agency will be required to increase nursing/clinical coverage to 24-7 service. Charles Hall, too, will now be required to do discharge planning and provide family-based aftercare supports for at least six months post-discharge. The final mandate that Family First places on all QRTPs is that of national accreditation. Charles Hall Youth Services initiated a contract with COA at year-end 2018 and began accreditation processes in spring 2019, with the goal of achieving national accreditation by September 2019. Charles Hall's directors met with Ty Thompson, Good Road Recovery Center and his staff several months ago to look at ways that the organizations could work together to meet the needs of our tribal members. Specifically, Good Road's staff contacted Charles Hall Executive Directors Gayle Klopp and Gayla Sherman to review the possibility of using Charles Hall staff certified in nonviolent crisis intervention to train Good Road's staff. I am happy to report that later this month Charles Hall's lead trainer, who is nationally certified in CPI's Nonviolent Crisis Intervention, is scheduled to train approximately 25 staff at our new center. The two organizations have a contract now to continue with this training partnership into the future. Another development since I met with the Economic Committee is that State Representative Ruth Buffalo is now a member of the Charles Hall Youth Services Board of Directors.

- XIV. **ENERGY COMMITTEE** – *Chairman Randy Phelan, Chair*  
A. **Energy Dept. Update\*** - *Carson Hood Jr., Director*  
B. **ROW's\*** – *Paul Grady & Catherine Everett*

- XV. **EXECUTIVE COMMITTEE** – *Chairman Mark N. Fox*

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- A. **Drug Treatment / Land Sale Option**

**Motion:** Councilman Randy Phelan moved to approve the land sale subject to negotiation and budget work session to pursue to acquire. Councilman Mervin Packineau seconded the motion.

Vote: 6- Ayes. 1– Not Voting. Motion carried.

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilwoman V. Judy Brugh – Not Voting  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Discussion:** Legal to work with the Chairman Mark N. Fox.

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- B. **MEC** -*Clarence O'Berry & Edmund White Bear*





Edmund White Bear, President of MEC Energy Services is requesting an exclusion for their development company for the TBC exclude themselves from viewing any classified information. Councilman Randy Phelan asked the group to sponsor elder events for the use of the Mandaree name.

**Motion:** Councilwoman V. Judy Brugh moved to approve resolution no. 19-063-FWF entitled “Mandaree Enterprises, LLC Owner Exclusion for MEC Development, LLC” subject to Legal review. Councilman Fred Fox seconded the motion.

Vote: 7- Ayes. Motion carried.

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilwoman V. Judy Brugh – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Discussion:** Restricts the tribe’s access to Dept. of Defense classified information.

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**C. Reimbursement Request – Marilyn Yellowbird**

Requesting reimbursement for winterization costs for a expenses on a trailer that she leases from TAT or Elbowoods. Submitted an invoice of some of the repairs that had to be done to the house. She did electrical and plumbing repairs but only asking to be reimbursed for the skirting and door that was replaced at the residence located at 1104 3rd Ave East.

**Motion:** Councilwoman V. Judy Brugh moved to approve reimbursement for repairs from Tribal housing. Councilman Fred Fox seconded the motion.

Vote: 7- Ayes. Motion carried.

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilwoman V. Judy Brugh – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**XVI. HEALTH & HUMAN SERVICES**

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**A. Elbowoods Memorial Health Center (EMHC) Update\* – Dr. Kathy Eagle, CEO.**

CMO, Dr. Anita Martin presented. EMHC/EPAC Dental Optometry Building design is near completion-Awaiting for the GMP Scull Construction. Systems review of the Pharmacy Department-two proposal approved to be scheduled with Pharmacy. Establishment of a Physical Therapy Program-Sandy Dale- Gradating in April from U of Mary Testing for Licensure on 4/23/2019



Proposed to bring on with a consultant agreement in May 2019. Self-Insurance Waiver-request for meeting with April Wilkinson. CEO and Provider for the MAT Program will attend a Grantee Meeting April 9-13, 2019. CEO to attend Great Plains Tribal Chairman's Health Board Quarterly meeting and 638 Training in Oglala, SD April 17-18, 2019. Corporate Compliance Training-American Institute of Healthcare Compliance, Inc. May 14-16, 2019.

**1) Verizon Agreement-HIPAA EMHC**

Verizon Agreement-HIPAA EMHC to establish a HIPAA Secure Account that will allow for clinicians to document while in the field on a HIPAA Secure network that will be managed by the EMHC IT department.

**Motion:** Councilwoman Monica Mayer moved to approve the EMHC / Verizon Agreement. Councilwoman V. Judy Brugh seconded the motion.

Vote: 7- Ayes. Motion carried.  
Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilwoman V. Judy Brugh – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**2) Vehicle Purchase**

Requested permission to purchase a vehicle for employee transportation using third party funds. EMHC has 7 employees that reside in Minot, ND. Employees will be asked to pay a small fee that would cover the cost of gas and maintenance. This was requested by staff who reside in Minot, ND and it would help with staff retention. There has also been discussion on including the segments as well. Councilwoman Monica Mayer supports the request but Legal needs to investigate any legal liabilities. The CEO will have the Transportation Dept. look into providing an alternative option.

**3) Diabetes Center for Disease Control (CDC) - Grant Good Health and Wellness**

Grant Application: Resolution for Fort Berthold Diabetes Wellness Center to apply for the Center for Disease Control (CDC) Grant Good Health and Wellness in the amount of \$1.3M (3 year grant).

**Motion:** Councilman Mervin Packineau moved to approve resolution no. 19-070-FWF entitled “*Authorization for Fort Berthold Diabetes Program to submit grant proposal for the Good Health and Wellness in Indian Country-National Center for Chronic Disease Prevention and Health Promotion-Centers for Disease Control.*” subject to Legal review. Councilwoman Monica Mayer seconded the motion.

Vote: 7- Ayes. Motion carried.  
Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye





Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilwoman V. Judy Brugh – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

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**4) Contracts**

Dr. Michael Jones - Internal Medicine physician-new provider to start May 1<sup>st</sup>, 2019. Dr. Anita Martin will continue as CMO, Sadie Dale – Physical Therapist

**Motion:** Councilwoman Monica Mayer moved to approve the following contracts;

- EMHC Employment Contract-Michael Jones, MD ( beginning May 1<sup>st</sup>)
- EMHC Employment Contract-Sadie Dale, PT
- EMHC CMO Employment Contract-Anita Martin, MD

Councilwoman V. Judy Brugh seconded the motion.

Vote: 6- Ayes. 1– Not Voting. Motion carried.

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Not Voting  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilwoman V. Judy Brugh – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**B. Tribal Health\*** – *Red Fox Sanchez, Director*  
Submitted a written report.

**1) EMHC and Tribal Health MOU**  
*Item deferred.*

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**C. Life & Limb\*** – *Alva Irwin, Grants & Donations Director*

**Motion:** Councilman Randy Phelan moved to approve all 5 applications (A-E) extension of services in the same amount. Councilwoman Monica Mayer seconded the motion.

Vote: 7- Ayes. Motion carried.

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilwoman V. Judy Brugh – Aye  
Councilman Cory Spotted Bear – Aye



Councilwoman Monica Mayer – Aye

**D. Good Road Recovery Center(GRRC) – Ty Thompson, Director**  
*Item deferred.*

**E. Kidney Dialysis Unit ( KDU) – Callie Baker, Director**  
*Item deferred.*

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**F. Native American Sports Foundation Wrestling Program Continuation – Mel Four Bear(TAT Fitness & Recreation), Terry Steiner(Native American Sports Foundation & USA Wrestling's Women's National Team Coach), & Evan Forde (Head Wrestling Coach-Minot State )**

Seeking continued funding for the program and expansion of the program to other tribes nationally. Submitted the mission statement and goals, & break down of budget. Estimated 20-25 registered participants (boys & girls) in the program for the last year. Previous budget of \$25,000 presented for the three months that the program was in operation. Program will be bringing in some of the best wrestling coaches in the world. Also provided a sample agenda & curricula for review. Chairman Mark N. Fox supports the program at minimum of last year's level and recommended that the group also seek additional outside funding or sponsorships.

**Motion:** Councilman Fred Fox moved to approve \$30,000 to continue the Native American Sports Foundation Wrestling Program for 3 months. Councilman Mervin Packineau seconded the motion.

Vote: 6- Ayes. 1– Not Voting. Motion carried.

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilwoman V. Judy Brugh – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Not Voting

**Discussion:** Councilman Randy Phelan asked that the group also provide services in the other segments and not just Parshall & New Town.

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**G. Elders Fair Sponsorship Request – Polly Chase, Aging Services Director**  
June 9<sup>th</sup> event

**Motion:** Councilman Cory Spotted Bear moved to approve a \$9,000 sponsorship for the Elder's Fair. Councilman Randy Phelan seconded the motion.

Vote: 6- Ayes. 1– Not Voting. Motion carried.

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye





Councilman Mervin Packineau – Not Voting  
Councilwoman V. Judy Brugh – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**H. L. B. – V. – Medical Bill**

*Item deferred.*

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**I. J. S. – Orthodontics Request**

J.S. has custody of a minor girl who is uninsured. Pam from Boone Insurance will work with J.S. for the \$6000. Boon will need to establish a policy with review. Councilman Fred Fox noted that Grants & Donations has an existing policy of 50%. Councilman Mervin Packineau noted that the tribe may need to set aside funding in the budget with all the requests coming before the TBC.

*Item deferred.*

**FTR:** *Chairman Mark N. Fox stepped out of the meeting & Councilman Randy Phelan assumed the Chair.*

**J. L. R. – Orthodontics Request**

*Item deferred.*

**K. E. MR. – Orthodontics Request**

*Item deferred.*

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**L. Lack of CHR Drivers/Concerns – Councilwoman V. Judy Brugh**

Councilwoman Monica Mayer noted recruitment problems due to low advertised salaries. The CEO will investigate a salary increase and find additional drivers & reimbursement schedules for the program and bring to the Health & Human committee. Councilman Randy Phelan believes we need to secure reimbursement dollars. Councilwoman Monica Mayer noted that a biller/coder is coming in to provide training and she will talk to the Director about having staff attend the training (2 yr. training). Roger White Owl noted that if the CHR's completed the training, the staff would have more justification for a raise. Noted that the Lummi Tribe is bring 200 lbs. of salmon to handout to all the segments on May 9<sup>th</sup> and noted they have an outstanding third party billing dept. and that we should be using their methods. The CEO will get in touch with them to arrange a meeting on the third party billing training.

**M. K.H. – Health Insurance, Life & Limb Request *[See Closed Session]***

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**N. H. D. – Surgery**

Requesting \$7,938.34 assistance to have major surgery procedure recommended by an orthodontist. Councilwoman Monica Mayer suggested having the segments assist with \$500 each and to add her to Grants and Donations. The total cost of the procedure is \$9,500 & Boone Insurance will cover \$1,561.66. Amount would be due one week prior to surgery on April30, 2019 with the Institute of Facial Surgery.



**Motion:** Councilwoman Monica Mayer moved to approve Life and Limb, \$3,969.17 (50% according to policy). Councilman Cory Spotted Bear seconded the motion.

Vote: 6- Ayes. 1– Not Voting. Motion carried.

Chairman Mark N. Fox – Not Voting

Councilman Randy Phelan – Aye

Councilman Fred Fox – Aye

Councilman Mervin Packineau –

Councilwoman V. Judy Brugh – Aye

Councilman Cory Spotted Bear – Aye

Councilwoman Monica Mayer – Aye

**XVII. JUDICIAL COMMITTEE – Councilwoman V. Judy Brugh, Chair**

**A. Justice Commission Report\***

*Item deferred.*

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**B. Tribal Court Report\* – Marvel Heart, Court Administrator**

*Elizabeth Yellowbird submitted written report for FBDC. Completed draft of FBDC survey for input from communities. She will work with Justice Commission on finalizing draft (2) Currently have seven (7) positions being advertised, Chief Judge, Public Defender, 2 Court bailiffs, receptionist, Public defender clerk, and adult probation officer; the Director of Juvenile Services is temporarily being filled by Robert Hunter. Eric Kerzman is now the Prosecutors Assistant. All phones are working at the Court. FBDC budget was finalized, signed by CEO and Court Administrator and submitted to TAT.*

**1) Dare Program Sponsorship Request**

Requesting a sponsorship to take students to the Trooper Island Kids Camp in Kentucky on the Dale Hollow Lake. The trip will be on the 25<sup>th</sup> of May 2019 to the 3<sup>rd</sup> of June 2019. Trooper Island Kids Camp in Kentucky on the Dale Hollow Lake. The price for each person will be \$500 for the week at the camp that includes food and lodging. Requesting a bus to take the kids down to and from the camp. The trip on the bus will be 24 hours, therefore we will need a hotel in the Iowa City, Iowa. This would be the most economical way to travel comparatively to air travel. The trip down and back is 3,000 miles. Have done some fundraising in Twin Buttes and some other donations. Working on the oil companies for sponsorships but haven't heard back yet. Program funding is lean for this event. Councilman Fred Fox recommended camp price and hotel and maybe gas later or from the individual segment sponsorships, which come up to about 75% of the request. Councilwoman Monica Mayer recommends putting funds in the front end.

**Motion:** Councilman Cory Spotted Bear moved to approve a \$29,950 sponsorship for the Dare Program to take kids to the Trooper Island Kid's Camp. Councilwoman Monica Mayer seconded the motion.

Vote: 5- Ayes. 2– Not Voting. Motion carried.





Chairman Mark N. Fox – Not Voting  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Not Voting  
Councilwoman V. Judy Brugh – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

*Discussion:* Presented thank you letters from students. CEO will display in the chambers.

*FTR:* Chairman Mark N. Fox returned to the meeting and resumed the Chair.

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**C. TAT Law Enforcement Report\***– Nelson W. Heart, Chief of Police, Captain Grace Her Many Horses & Lead Detective Dean Wilkinson

Upcoming Job Fair recruitments in Fargo, UTTC, & Fond du Lac. Saturation patrols with 4 more for April and submitted a report of statistics. Establishing a repeater with the possibility using other repeaters (such as White Shield) for collaboration with the Border Patrol. Sharing their channel with TAT Law Enforcement and U.S. Border Patrol. Meetings with the BIA & FBI on the 24<sup>th</sup> over goals and expectations, Next Child Abduction Training, Traffic Safety Program, with Drug stats provided and fatalities provided in the report. No information on the lost police dog as of yet. Crime Report. A few 960 reports that still open. Councilman Randy Phelan expressed concern over the turnover rates. Starting pay is \$26/hr. I was noted that Telecommunication officers starting pay is pretty low. 3-4 officers have resigned in the last 3 months. Officers often deal with no family or support system. Councilman Randy Phelan noted that the wage scale was increased but with the Bakkan boom we are back to needing to increase pay again for the higher starting wage scale. Councilman Randy Phelan also noted there is a problem with burn out. Councilwoman V. Judy Brugh noted that working session saw a need for collaboration between various law enforcement agencies and recommended that the TAT Highway Patrol officers stopping trucks & issuing citations need to be adjudicated so they can carry weapons.

*FTR:* Chairman Mark N. Fox returned to the meeting and assumed the Chair of the meeting.

**D. Child Support** – William Woods Jr., Interim Director  
*Item deferred.*

**XVIII. NATURAL RESOURCES COMMITTEE** – Councilman Randy Phelan, Chairman

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**A. Homesite(s)\*** - Texx Lone Bear, Natural Resources Director

*Motion:* Councilman Fred Fox moved to approve resolution no. 19-064-FWF entitled “Approval of Home Site Leases and Utility Corridors for Home Sites” Councilwoman Monica Mayer seconded the motion.

Vote: 7- Ayes. Motion carried.  
Chairman Mark N. Fox – Aye



Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilwoman V. Judy Brugh – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**FTR:** Councilwoman Monica Mayer noted that she plans on building laundromat on the lot on block 26 lot 16,17,18 in New Town on Main Street. The Councilwoman also commended Tex Lone Bear for his dedication and gave him a gift.

**B. Farm/Pasture Leases\*** - Diana Americanhorse  
Item deferred.

**C. Easements\*** - Shaylane Miller  
Item deferred.

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**D. Fort Berthold Rural Water (FBRW) – Pem Hall, Director**

**1) ROW**

**Motion:** Councilman Randy Phelan moved to approve resolution no. 19-065-FWF entitled "Consent to Certain Right(s) of Way across Tribal land" [FBRW] Councilman Cory Spotted Bear seconded the motion.

Vote: 7- Ayes. Motion carried.  
Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilwoman V. Judy Brugh – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**2) Twin Buttes Water Treatment Plant Contract 2017-2; Schedule 2 & Subsequent-User Project 2017-4 Change Orders**

**Motion:** Councilman Randy Phelan moved to approve (2) change orders. Councilwoman V. Judy Brugh seconded the motion.

Vote: 7- Ayes. Motion carried.  
Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilwoman V. Judy Brugh – Aye





Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

*Discussion:* Contract extension for repairs from BOR funding.

**Motion:** Councilman Randy Phelan moved to approve resolution no. 19-066-FWF entitled "Consent to Certain Right(s) of Way across Tribal land for the Reservation Telephone Cooperative for Tribal Members Benefit". Councilwoman V. Judy Brugh seconded the motion.

Vote: 7- Ayes. Motion carried.

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilwoman V. Judy Brugh – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

*Discussion:* To replace a residential cooper line with a fiber optic line for RTC. Tex Lone Bear noted that previously, cost was waived when the ROW was for a tribal member. Chairman Mark N. Fox asked the Director to look into and determine some kind of cost.

**E. Thunder Butte Refinery** (see Closed Session)

**XIX. CULTURAL COMMITTEE** – Chairman Randy Phelan, Chair

**XX. LEGAL DEPARTMENT** – Caleb Dog Eagle, Esq., MHA Supervising Attorney

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**A. New Town Ambulance Contracts** – Amanda Bibb, Manager (Paramedic), Mason Terry, Manager (Paramedic), Deanne Wolf, Assistant Manager

Costs for care provided at the scene and not transported. 70% are enrolled members. Chairman Mark N. Fox recommended \$10,000/month.

**Motion:** Councilwoman Monica Mayer moved to approve an annual payment of \$100,000 for services. Councilman Fred Fox seconded the motion.

Vote: 7- Ayes. Motion carried.

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilwoman V. Judy Brugh – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**FTR:** Councilwoman V. Judy Brugh presented Caleb Dogeagle with star quilt for his years of services.



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## **B. National Indian Gaming Association (NIGA) Delegates**

**Motion:** Councilman Fred Fox moved to approve resolution no. 19-067-FWF entitled “*Appointing the Delegates from the Three Affiliated Tribes to the National Indian Gaming Association and Authorizing the Payment of the National Indian Gaming Association’s Annual Dues.*”

Councilwoman V. Judy Brugh seconded the motion.

Vote: 7- Ayes. Motion carried.

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilwoman V. Judy Brugh – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

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## **C. Davis Strategies Contract**

Gary Davis six month contract presented not to exceed \$66,000 for green house initiative and other economic development projects under the General Fund. Chairman Mark N. Fox is organizing a seconded trip to Holland to tour their agricultural ventures, probably in June.

**Motion:** Councilman Randy Phelan moved to approve Davis Strategies Contract at \$11,000/month to facilitate greenhouse projects and others. Authorized Chairman to negotiate. Councilwoman Monica Mayer seconded the motion.

Vote: 7- Ayes. Motion carried.

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilwoman V. Judy Brugh – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

## **XXI. NEW BUSINESS – Tribal Councilman Add Ons**

**A. Chairman Mark Fox- Reserved**

**B. Chairman Mark Fox – Reserved**

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## **C. Councilman Randy Phelan – Mandaree School Class of 2019**

The school group has 13 graduating seniors, 2 chaperones rising funding for the annual class trip to Oahu, Hawaii on May 24-31 (7 days). The group has raised nearly \$13,000.





**Motion:** Councilman Randy Phelan moved to approve a sponsorship of \$18,750 for the Mandaree High School Senior Trip. Councilwoman V. Judy Brugh seconded the motion.

Vote: 6- Ayes. 1– Not Voting. Motion carried.

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilwoman V. Judy Brugh – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Not Voting

**Discussion:** Councilman Cory Spotted Bear brought up also giving \$500 from his segment. Chairman Mark N. Fox recommended supporting on the side from segment funds.

**D. Councilman Randy Phelan – Reserved**

**E. Councilman Fred W. Fox – Cliff Whitman Jr.** (See Closed Session)

**F. Councilman Fred W. Fox – Shane Johnson** (see Closed Session)

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**G. Councilman Mervin Packineau – Xo'shga Event Committee - Benjamin GoodBird Ill & Valerian Three Irons**

The documentary, *We are still here*” about the Xo'shga people which was funded by the MHA Nation, was accepted by 3 film festivals. The Fargo Film festival, the Minneapolis/St,Paul international film festival and the Black Hills film festival. Valerian Three Irons, Lizbeth Chappel and Benjamin Good Bird, attended the first two, festivals, and did Q&A after the showings. The public's reaction was very positive and very enthusiastic. There were many questions and inquires. The Xo'shga Committee is now asking the TBC, for funding for travel to the Black Hills film festival, for the people that helped make this awesome documentary. We are still trying to locate 2 other people that were in the film but have not been able to get in contact with them. We need to ask the TBC, legal questions about the film. Appoint someone to manage the distribution, LLC, DVD cover and copyright. The committee would like to take this opportunity to thank the Tribal Police for their help with all the Xo'shga events. The Xo'shga people will be honored at Fort Union/Fort Buford at the 2<sup>nd</sup> annual Pow-Wow and Ride, Aug. 3 -4. They are planning the first annual traditional Xo'shga PowWow 2019 at Shell Creek. Delvin Driver Jr. and Scott Satermo are part of the committee/coordinators.

- **MHA Nation Tent Revival (Aug. 6<sup>th</sup> –11<sup>th</sup>)**  
List of Pastors & budget provided. Total budget of \$53,638.

**Motion:** Councilwoman V. Judy Brugh moved to approve \$22,500 sponsorship for the MHA Tent Revival. Councilman Fred Fox seconded the motion.

Vote: 7- Ayes. Motion carried.

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye



Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilwoman V. Judy Brugh – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

*Discussion:* Councilman Cory Spotted Bear recommended the room from the casino. Councilwoman V. Judy Brugh will give \$500.

• **Hushгаа Event Committee**

We Are Still Here documentary. Seeking funding to take the participants to the Black Hills Film Festival. Traditional pow-wow in Shell Creek. Provided a list of participants in the movie.

**Motion:** Councilman Randy Phelan moved to approve \$750/person not to exceed \$40,000. Councilman Fred Fox seconded the motion.

Vote: 7- Ayes. Motion carried.

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilwoman V. Judy Brugh – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

*Discussion:* Councilman Randy Phelan asked to be excluded. Valerian Three Irons expressed concerns over the contract over the company marketing and distribution & intellectual rights, and reporting. Believes there needs to be a copyright renegotiation the contract and may form a small LLC to manage the sale & marking. Also needs a point person to get the copyright. At this time there is no signed contract from our side. Chairman Mark N. Fox recommended getting an agent to renegotiate.

**Motion:** Councilman Randy Phelan moved to provide Technical Assistance with Legal Dept. assigning someone. Councilman Fred Fox seconded the motion.

Vote: 7- Ayes. Motion carried.

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilwoman V. Judy Brugh – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye





**H. Councilman Mervin Packineau – Fort Berthold Land Owners Association (FBLOA) - Tex Hall, Karen Spotted Horse, and Kenny Fredericks**

Tex Hall of the Fort Berthold Land Owners presented various hemp resolutions, State Hemp bill 1349, Oglala Sioux Hemp Ordinance, and Grant Lobb article on farming & market issues, & Lab information. Discussion of State classifications & requirements for hemp. Establishing the commission procedural & regulatory needs, back ground checks, licensure requirements, violations, due process, & inspection or grow plots. Chair Mark N. Fox noted a lawyer has been hired to formulate an ordinance. Chairman Mark N. Fox recommends merging the resolutions with the work being done by the tribe's legal consultant and what Mr. Hall has brought today. Noted the CBD venture seems the more lucrative than industrial but would need to pass federal scrutiny & the ACA Act. John Fredericks noted that the big issue is USDA approval. Chairman Mark N. Fox believes the criminality is now taken out of it with there being CBD with no THC. Tex Hall has secured seed sellers & buyers. Tex Hall noted that there is a \$30,000-100,000/acre profit.

**Motion:** Councilwoman Monica Mayer moved to prioritize a draft hemp growing ordinance by the next TBC. Councilwoman V. Judy Brugh seconded the motion.

Vote: 7- Ayes. Motion carried.

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilwoman V. Judy Brugh – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Discussion:** A new law takes CBD off the banned drugs list. Ordinance would be for both medicinal and industrial.

- I. Councilman V. Judy Brugh – Reserved**
- J. Councilman V. Judy Brugh – Reserved**

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**K. Councilman Cory Spotted Bear – Education B.G.**

Presented a Student Statement of Account, Budget Work Sheet from Northwestern Health Sciences University. Also provided minutes of previous educational assistance from March 2018 concerning her graduate studies. Requesting assistance with a bill for \$11,593.91.

**Motion:** Councilman Mervin Packineau moved to approve 75% of requested amount for a grant of \$8,700. Councilwoman Monica Mayer seconded the motion.

Vote: 7- Ayes. Motion carried.

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye



Councilwoman V. Judy Brugh – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

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**L. Councilman Cory Spotted Bear – B.B**

Requesting \$2,900 for medical assistance. Insurance is assisting.

**Motion:** Councilman Cory Spotted Bear moved to approve \$2,500 medical assistance.  
Councilwoman Monica Mayer seconded the motion.

Vote: 7- Ayes. Motion carried.  
Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Aye  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilwoman V. Judy Brugh – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**Discussion:** Chairman Mark N. Fox & Councilman Cory Spotted Bear noted that they will also assist through their budgets.

**M. Councilwoman Monica Mayer – Musky Hale**

*Item deferred.*

**N. Councilwoman Monica Mayer – Reserved**

**O. ADDITIONAL ITEMS:**

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**3) Public Works – Justin Spotted Bear, Director**

2019 scattered site season is upcoming so the program is requesting an additional \$100,000 for their budget to be earmarked for the electrical hookup of 30 homes with I.H.S. \$3000 grant to new home site hook ups participating in the scatter site program for FY2019.

**Motion:** Councilman Fred Fox moved to approve resolution no. 19-068-FWF entitled “Approving Additional Funding to the Annual Public Works Department Operating Budget”.  
Councilwoman V. Judy Brugh seconded the motion.

Vote: 5- Ayes. 2– Not Voting. Motion carried.  
Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Not Voting  
Councilman Fred Fox – Not Voting  
Councilman Mervin Packineau – Aye  
Councilwoman V. Judy Brugh – Aye





Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

*Discussion:* Chairman Mark N. Fox was ok with the grant idea as long as there are caps / applicant and from the General Fund.

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**4) Dance Class Sponsorship**

Chairman Mark N. Fox noted a former teacher in White Shield/Judy (Judith Blake) Duetch is requesting \$5,800 sponsorship for dance classes in White Shield for youth.

*Motion:* Councilwoman V. Judy Brugh moved to approve \$500/office. Councilwoman Monica Mayer seconded the motion.

Vote: 6- Ayes. 1– Not Voting. Motion carried.

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Not Voting  
Councilman Fred Fox – Aye  
Councilman Mervin Packineau – Aye  
Councilwoman V. Judy Brugh – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

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**5) Down Under Australia Sponsorship**

*Motion:* Councilman Cory Spotted Bear moved to approve \$4,500 to Down Under Australia from the General Fund as policy. Councilman Fred Fox seconded the motion.

Vote: 5- Ayes. 2– Not Voting. Motion carried.

Chairman Mark N. Fox – Aye  
Councilman Randy Phelan – Not Voting  
Councilman Fred Fox – Not Voting  
Councilman Mervin Packineau – Aye  
Councilwoman V. Judy Brugh – Aye  
Councilman Cory Spotted Bear – Aye  
Councilwoman Monica Mayer – Aye

**XXII. CLOSED SESSION 6:56PM**

- A. Human Resources (HR)\* – Barlow Wells, Director**
- B. Four Bears Casino Report\* – Scott Wilson, General Manager**
- C. Tribal Enrollment Issue– Sevant Taft, Director**
- D. Bryon J. Brady Request**
- E. Karen Mulluck**
- F. F. M – Nursing Home**
- G. Young Morning Star LLC.**



- H. Marcus Levings
- I. Employment Issue – *Christopher Montclair*
- J. Shane Johnson
- K. Wilkinson Legal
- L. K.H. – Health Insurance, Life & Limb Request
- M. Grant Walker Contract
- N. Veronica Serdahl
- O. Public Defender Resignation
- P. Child Safety Center Director
- Q. Cody White Bear Transfer
- R. John Fredericks
- S. Four Bears Segment Equipment Investigation – *Captain Grace Her Many Horses.*
- T. H.P. Sargent Cliff Whitman Jr.
- U. Thunder Butte Refinery – *Bernie Fox*

**XXIII. ADJOURNMENT**

**Motion:** Councilman Randy Phelan moved to adjourn the meeting. Councilwoman Monica Mayer seconded the motion. Meeting adjourned at 8:45PM





### CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members of whom (5) constitute a quorum, 7 were present at the Regular Meeting thereof duly called, notice, convened and held on the 9<sup>th</sup> of May, 2019; that the foregoing Minutes were amended and/or duly adopted at such meeting by the affirmative vote of 6 members; 0 members opposed; 0 members abstained; 1 Members not voting.

Chairman (X) Voting    ( ) Not Voting

Dated this 9<sup>th</sup> day of May, 2019.

ATTEST:

Tribal Secretary, Fred W. Fox  
Tribal Business Council,  
Three Affiliated Tribes

Tribal Chairman, Mark N. Fox  
Tribal Business Council,  
Three Affiliated Tribes